IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 3994 of 2004

DILBAG SINGH
V/S
UNION OF INDIA & ORS

Mr. KR CHOUDHARY, for the appellant / petitioner

Date of Order : 5.10.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Perused the impugned orders of punishments. It is contended by learned counsel for the petitioner that petitioner was released on probation by criminal court, as such, on that ground, he could not be punished.

Suffice it to say, that authorities below have duly considered the order of probation, and have independently found the petitioner guilty for the delinquency, and looking to the magnitude of the delinquency, punishment orders were passed. In that view of the matter, mere fact, that petitioner was released on probation, does not entitle the petitioner to claim prohibition against the respondents from holding departmental proceedings. Coming to the question of sentence, the authorities below have duly considered this aspect of the matter, and looking to the magnitude of delinquency , the order of removal has been passed.

I do not find any sufficient ground to interfere with the quantum of punishment either.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/Srawat/